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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

INDEPENDENT POLITICAL REPORT, an
entity of unknown origin and nature; and
CHARLES C. MARTIN, an individual,

Defendants.

Case No.: 2:10-cv-01118

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against the Independent Political Report (“IPR”) and Charles C. Martin (“Mr. Martin”; collectively with IPR known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. IPR is, and has been at all times relevant to this lawsuit, an entity of unknown origin and nature.

5. Attempts to find evidence of the formal organizational status in the respective Secretary of State offices of Delaware, California, Illinois, New York, Texas, Tennessee, Louisiana and Nevada, demonstrate that, at least with respect to these states, IPR is not a formally organized business entity.

6. Mr. Martin is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“Go Daddy”), as the registrant, administrative and technical contact of the Internet domain found at <independentpoliticalreport.com> (the “Domain”).

7. At all times relevant to this lawsuit, IPR claims ownership of the copyright(s) in and to the literary works posted as part of the content accessible through the Domain (said content accessible through the Domain, and the Domain itself known herein as the “Website”) as evidenced by a copyright notice displayed on the Website: “© 2008 Independent Political Report.”

JURISDICTION

8. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

9. Righthaven is the owner of the copyright in the literary work entitled: “Ashjian admits he was registered Republican when he filed Tea Party candidacy” (the “Work”), attached hereto as Exhibit 1.

1 10. At all times relevant to this lawsuit, the Work has depicted and depicts the
2 original source publication as the Las Vegas *Review-Journal*.

3 11. The Defendants willfully copied, on an unauthorized basis, the Work from a
4 source emanating from Nevada.

5 12. At all times relevant to this lawsuit, the Defendants knew that the Work was
6 originally published in the Las Vegas *Review-Journal*.

7 13. On or about April 14, 2010, the Defendants displayed, and continue to display, an
8 unauthorized reproduction of the Work (the "Infringement"), attached hereto as Exhibit 2, on the
9 Website.

10 14. The subject matter, at least in part, of the both Work and the Infringement is the
11 political affiliation of a Nevada-based politician.

12 15. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
13 original source publication as the Las Vegas *Review-Journal*.

14 16. At all times relevant to this lawsuit, the Defendants knew that the Work was
15 originally published in the Las Vegas *Review-Journal*.

16 17. The Defendants' display of the Infringement was and is purposefully directed at
17 Nevada residents.

18 18. The Defendants willfully copied, on an unauthorized basis, the literary work
19 entitled: "U.S. Senate hopeful Ashjian loses contractor's license," attached hereto as Exhibit 3
20 (the "Contractor Article"), from a source emanating from Nevada.

21 19. On or about March 24, 2010, the Defendants displayed the Contractor Article on
22 the Website.

23 20. The Defendants' display of the Contractor Article was and is purposefully
24 directed at Nevada residents.

25 21. The Defendants willfully copied, on an unauthorized basis, the literary work
26 entitled: "Tea Party plans ad to denounce Ashjian campaign," attached hereto as Exhibit 4 (the
27 "Ad Campaign Article"), from a source emanating from Nevada.
28

1 34. On June 23, 2010, the United States Copyright Office (the “USCO”) granted
2 Righthaven the registration to the Work, copyright registration number TX0007161075 (the
3 “Registration”) and attached hereto as Exhibit 6 is evidence of the Registration in the form of a
4 printout of the official USCO database record depicting the occurrence of the Registration.

5 35. On or about April 14, the Defendants displayed, and continue to display, the
6 Infringement on the Website.

7 36. The Defendants did not seek permission, in any manner, to reproduce, display, or
8 otherwise exploit the Work.

9 37. The Defendants were not granted permission, in any manner, to reproduce,
10 display, or otherwise exploit the Work.

11
12 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

13 38. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
14 37 above.

15 39. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
16 U.S.C. § 106(1).

17 40. Righthaven holds the exclusive right to prepare derivative works based upon the
18 Work, pursuant to 17 U.S.C. § 106(2).

19 41. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
20 17 U.S.C. § 106(3).

21 42. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
22 U.S.C. § 106(5).

23 43. The Defendants reproduced the Work in derogation of Righthaven’s exclusive
24 rights under 17 U.S.C. § 106(1).

25 44. The Defendants created an unauthorized derivative of the Work in derogation of
26 Righthaven’s exclusive rights under 17 U.S.C. § 106(2).

1 45. The Defendants distributed, and continue to distribute, an unauthorized
2 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
3 17 U.S.C. § 106(3).

4 46. The Defendants publicly displayed, and continue to publicly display, an
5 unauthorized reproduction of the Work on the Website, in derogation of Righthaven's exclusive
6 rights under 17 U.S.C. § 106(5).

7 47. IPR has willfully engaged in the copyright infringement of the Work.

8 48. Mr. Martin has willfully engaged in the copyright infringement of the Work.

9 49. The Defendants' acts as alleged herein, and the ongoing direct results of those
10 acts, have caused and will continue to cause irreparable harm to Righthaven in an amount
11 Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

12 50. Unless the Defendants are preliminarily and permanently enjoined from further
13 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
14 entitled to preliminary and permanent injunctive relief against further infringement by the
15 Defendants of the Work, pursuant to 17 U.S.C. § 502.

16
17 **PRAYER FOR RELIEF**

18 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

19 1. Preliminarily and permanently enjoin and restrain the Defendants, and the
20 Defendants' officers, agents, servants, employees, attorneys, parents, subsidiaries, related
21 companies, partners, and all persons acting for, by, with, through, or under the Defendants, from
22 directly or indirectly infringing the Work by reproducing the Work, preparing derivative works
23 based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering,
24 directing, participating in, or assisting in any such activity;

25 2. Direct the Defendants to preserve, retain, and deliver to Righthaven in hard copies
26 or electronic copies:
27
28

1 a. All evidence and documentation relating in any way to the Defendants'
2 use of the Work, in any form, including, without limitation, all such evidence and
3 documentation relating to the Website;

4 b. All evidence and documentation relating to the names and addresses
5 (whether electronic mail addresses or otherwise) of any person with whom the
6 Defendants have communicated regarding the Defendants' use of the Work; and

7 c. All financial evidence and documentation relating to the Defendants' use
8 of the Work;

9 3. Direct Go Daddy and any successor domain name registrar for the Domain to lock
10 the Domain and transfer control of the Domain to Righthaven;

11 4. Award Righthaven statutory damages for the willful infringement of the Work,
12 pursuant to 17 U.S.C. § 504(c);

13 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
14 Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

15 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
16 law; and

17 7. Grant Righthaven such other relief as this Court deems appropriate.

18
19 **DEMAND FOR JURY TRIAL**

20 Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

21 Dated this eighth day of July, 2010.

22 RIGHTHAVEN LLC

23
24 By: /s/ J. Charles Coons
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